

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAWN HOUSTON,

Plaintiff,

Case No. 1:12-cv-299

v.

HON. ROBERT HOLMES BELL

UNKNOWN McDANIELS,

Defendant.

**OPINION AND ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On March 18, 2014, Magistrate Judge Joseph G. Scoville issued a Report and Recommendation ("R&R") (Dkt. No.24) recommending that Plaintiff's claims against Defendant in his official capacity be dismissed with prejudice and that Defendant's motion for summary judgment on the remaining claims (Dkt. No. 12) be granted. No objections have been filed, and the deadline for doing so has expired.¹ The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

For the foregoing reasons, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* Fed. R. Civ. P. 58. Because this action was filed in forma pauperis, this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this decision would not be taken

¹ Several orders mailed March 17, 2014, were returned to the Court by Brooks Correctional Facility on March 24, 2014, because Plaintiff no longer is confined there. The Clerk of the Court updated Plaintiff's address and re-mailed the R&R on March 24, 2014. The Court therefore began counting Plaintiff's time to respond on that date, resulting in an April 10, 2014 deadline.

in good faith. *See McGore v. Wigglesworth*, 114 F.3d 601, 610 (6th Cir.1997).

Accordingly,

IT IS HEREBY ORDERED that the Magistrate Judge's March 18, 2014, R&R (Dkt. No. 24) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendant in his official capacity are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Defendant's motion for summary judgment (Dkt. No. 12) is **GRANTED**.

IT IS FURTHER CERTIFIED that an appeal of this decision would not be taken in good faith.

Dated: April 16, 2014

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE